

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

L.V., on behalf of herself and her minor child, J.V.2,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
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19 Civ. 5451 (AT) (KHP)

**ORDER**

Having received no objections to Honorable Katharine H. Parker's July 17, 2020 Report and Recommendation (the "R&R"), ECF No. 76, the Court reviewed the R&R for clear error, and found none. *Santiago v. Colvin*, 12 Civ. 7052, 2014 WL 1092967, at \*1 (S.D.N.Y. Mar. 17, 2014).

The Court, therefore, ADOPTS the R&R in its entirety. Accordingly, Defendant's motion to dismiss, ECF No. 50, is GRANTED in part and DENIED in part. Claim 1 is DISMISSED without prejudice to the extent that it encompasses claims pertaining to the substance and formation of J.V.2's individualized education plans, but not as to the allegations pertaining to compliance with the pendency orders and the stay-put provision. R&R at 32. Claims 2, 4, 5, 6, and 7 are also DISMISSED without prejudice. *Id.* at 33. Claim 8 is DISMISSED with prejudice. *Id.*

The Clerk of Court is directed to terminate the motion at ECF No. 50.

SO ORDERED.

Dated: August 12, 2020  
New York, New York



ANALISA TORRES  
United States District Judge